

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HARVEY PRESTON, No. 235170,

Plaintiff,

v.

Case No. 4:20-cv-12159
Stephanie Dawkins Davis
United States District Judge

RICHARD D. RUSSELL, AND
STEPHANIE KLIMALA,

Defendants.

**ORDER TRANSFERRING CASE TO THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

Plaintiff Harvey Preston is a Michigan prisoner incarcerated at the Oaks Correctional Facility in Manistee, Michigan. The *pro se* complaint names MDOC Hearings Administrator Richard D. Russell and Stephanie Klimala, who is presumably another MDOC official, as Defendants. The complaint concerns the loss of Plaintiff's personal property at the Ionia Correctional Facility.

The determination of the proper venue for a civil action in federal court is generally governed by 28 U.S.C. § 1391. Relevant here, the statute provides that a civil action may be brought in (1) a judicial district in which any defendant resides; or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. 1391(b)). If venue is improper in the district where a case is filed, but would be proper in another district, "a district

court has the power to sua sponte transfer [the] case.” *Cosmichrome, Inc. v. Spectra Chrome, LLC*, 504 Fed. Appx. 468, 472 (6th Cir. 2012).

Plaintiff’s facility is located in Manistee County, Michigan. Defendants are employed in Ingham County. The events giving rise to the complaint are alleged to have occurred in Ionia County. Manistee, Ingham, and Ionia Counties are part of the Western District of Michigan. 28 U.S.C. § 102(b). Because there is no apparent basis for venue to lie in this district, but there are facts in the complaint suggesting that venue would be proper in the Western District, the Court finds that the interests of justice would be served by transferring the case to the district where it should have been filed in the first instance. 28 U.S.C. § 1406(a).

IT IS ORDERED that this case be transferred to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. §1406(a).

It is noted that this Court has not decided Plaintiff’s motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff’s complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. §1997e(c).

IT IS SO ORDERED.

s/Stephanie Dawkins Davis
Stephanie Dawkins Davis
United States District Judge

Dated: April 12, 2021